

Notice of Allowability

Application No.

09/441,191

Applicant(s)

ORAN, DANIEL P.

Examiner

Donald L. Champagne

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 13 August 2004.
2. ☒ The allowed claim(s) is/are 1-8, 10-12 and 48.
3. ☒ The drawings filed on 15 November 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20041116.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit: 2121

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-8, 10-12 and 48 are allowed.
2. The following is an examiner's statement of reasons for allowance: the closest prior art, Bezos et al., does not teach or suggest providing in said Web page a means to allow the individual to provide the email addresses of persons to whom said individual wishes to refer the employment opportunity.
3. The claims are allowable because the instant invention is manipulatively different from the prior art¹. Bezos et al. does teach providing in said Web page a means to allow the individual to provide the email addresses of persons to whom said individual wishes to refer.² The manipulative difference arises from the purpose of the referral. In Bezos et al., said persons themselves do the referral through links created by the individual. The individual has elected to enroll as an "associate" of an online merchant with *website 106* and has created the links from the associate's own *Web site 100* to said merchant *website 106* so as to facilitate said persons becoming "customers" of said online merchant when they visit the associate's *Web site 100*.
4. The instant invention is limited to referring an employment opportunity. The instant invention does so, for example, by sending to the individual a "job description" (spec. p. 4 lines 11-13) and a hyperlink to a web page (spec. p. 4 line 25), thereby inviting said individual to submit the email addresses of persons to whom said individual wishes to refer the employment opportunity (spec. p. 4 line 28).
5. The patentable difference is that the instant invention has said link manipulated by the individual to refer an employment opportunity to one or more other persons.³ The Bezos et al. reference invention has the link manipulated by each of one or more other persons to refer themselves to purchase opportunities.

¹ In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

² Para. 5 of the Office action mailed on 17 February 2004.

³ The individual would not refer himself or herself because the individual has already received the employment opportunity.

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6. Another US patent document, Perell et al. (US 20010047347A1), teaches the tracking of job-seeker referrals, but does not teach or suggest generating a unique identifier that is associated exclusively with the pairing of an individual and employment offer. Torrey (US006457005B1) teaches a database of employment offers (opportunities) and referred job seekers (resources), but also does not teach or suggest generating a unique identifier that is associated exclusively with the pairing of an individual and employment offer.
7. The closest foreign patent prior art is WO 93/12489, which teaches customer referrals but does not teach or suggest referring employment opportunities. The closest non-patent prior art, Tobias, teaches networking, job referrals and job offers, but does not teach or suggest tracking the referrals.
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
10. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.
11. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their

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registration information including telephone number at the Office's web site, www.uspto.gov.
At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

11 December 2004

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'DL', with a long horizontal line extending to the left and a large loop on the right.

Donald L. Champagne
Primary Examiner
Art Unit 3622 (2121 Detail)